

## **Summary of Major Comments, Themes, and Recommendations about the Fifth Staff Draft Delta Plan and Staff Proposed Changes for the 6<sup>th</sup> Draft Delta Plan**

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**Requested Action:** Staff recommends that the Council review the major comments received on the 5<sup>th</sup> staff draft Delta Plan, as summarized in this memo and the staff's proposed responses to them, including potential changes that could be included in the Delta Plan's final draft. It is anticipated that this discussion will begin during the March 15 and 16 Council meeting and continue during the March 29 and 30 meeting, when staff will request direction from the Council members on preparing the Delta Plan's final draft.

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### **Background**

Many comments have been received on the 5<sup>th</sup> staff draft Delta Plan. Over 150 letters including 1,500 individual comments were received. Commenters include state and federal agencies, water users, environmental groups, and Delta residents, reclamation districts, and agencies. The Delta Independent Science Board submitted comments on the plan, too. In addition, the Delta Protection Commission's (DPC) *Proposal to Protect the Delta as an Evolving Place* recommended 38 policies that the DPC proposed be included in the Delta Plan.

Other suggestions about revision of the 5<sup>th</sup> staff draft Delta Plan come from the DEIR and comments received on it. The analysis of alternatives to the Delta plan provided by the DEIR suggests potential changes that may reduce environmental impacts of the 5<sup>th</sup> staff draft Delta Plan. A thousand comments on the draft EIR also included recommendations about the plan itself. Because analysis of draft EIR comments is still underway, this memo covers only potential plan revisions suggested by the DEIR's analysis of the plan's impacts, and not revisions that may be recommended later in response to DEIR comments.

This staff presentation is the next step in the process of reviewing the 5<sup>th</sup> staff draft Delta Plan, including comments received on it, and preparing a final draft of the plan. It builds on John Kirlin's and Bob Twiss' report "Major Themes in Comments on Staff Drafts of the Delta Plan" that was presented at the January 26, 2012 Council meeting.

### **Comments on the 5<sup>th</sup> Staff Draft Delta Plan's Policies, Recommendations, and Supporting Text**

This report analyzes two types of comments: those that suggest changes in the draft Delta Plan's policies and recommendations, and those that suggest revisions to the

plan's supporting text. This information is compiled into two tables: Table 1, which reviews 20 key comments on policies and recommendations, and Table 2 which reviews 12 key comments on the supporting text. The memo summarizes the comment, identifies the agencies or other stakeholders who made it, and indicates how the staff proposes to respond to it in the plan's final draft.

Table 1 summarizes the 20 major comments received on the 5<sup>th</sup> staff draft Delta plans' policies and recommendations. Staff is proposing plan revisions to respond to 19 of these major comments with which staff agreed or partially agreed. Staff did not agree with one of the major comments and has provided its justification for this. Comments took several forms. Some commenter's complained that particular policies were confusing or unclear, too restrictive or overreaching in their authority, or that the potential application of a policy or recommendation was unclear. Comments suggested that the plan acknowledge the roles and responsibilities of other agencies in implementing the Delta Plan and the Council's role as a coordinator that facilitates the plan's implementation, rather than the Council's regulatory role. There were numerous comments and requests for clarification about what projects are "covered actions" under the plan. These comments included: 1) request for clarification on determining "significance" for potential covered actions; 2) who determines whether a proposed action is covered; 3) whether upstream or downstream actions are covered actions; and, 4) additional requests for CEQA exemptions as related to covered actions. The ecosystem restoration chapter's policy about setting flow requirements was the topic of many comments. Some comments suggested specific revisions to other policies or recommendations regarding water supply, ecosystem restoration, water quality, or risk reduction. Several new policies or recommendations were also proposed by commentors, too, particularly in the DPC's *Proposal to protect the Delta as a Place*.

Table 2 *Potential Editing/Drafting Revisions to 5<sup>th</sup> Draft Delta Plan Text* presents comments and recommendations about the organization, structure, content and terminology in the 5<sup>th</sup> draft plan. Twelve major comments are summarized in this table, of which staff agreed with or partially agreed with 11. Staff proposes new text for the final draft plan in response to these comments. Staff did not agree with one of the major comments and has provided its justification for this.

Some commenters on the plan text proposed improvements in the 5<sup>th</sup> draft plan's structure, especially to provide integration across topics. Many comments addressed the relationship between the BDCP and the Delta Plan, which the staff recommends addressing through supporting text in several chapters of the plan. Further development of some chapters' sections, especially about adaptive management and performance measures, were proposed. There were also many comments regarding the need to better emphasize Delta as Place.

## **Process**

This report and the attached tables present an initial staff analysis of the principal comments and recommendations about the 5<sup>th</sup> staff draft Delta plan. The revisions that

staff proposes to respond to these comments warrant Council review, discussion and direction. Subsequent reports may provide further analysis and response to comments on the 5<sup>th</sup> staff draft Delta Plan and the DEIR.

**List of Attachments**

Attachment 1: Table 1 – Comments Related to Major Policy Changes and Recommendations

Attachment 2: Table 2 – Potential Editing/Drafting Revisions to 5<sup>th</sup> Draft Delta Plan Text

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